

Joseph Y. Ahmad (Bar No. 00941100)
Shawn M. Bates (Bar No. 24027287)
Alex Dvorscak (Bar No. 24120461)
Christian Adriatico (Bar No. 24113366)
AHMAD, ZAVITSANOS & MENSING
1221 McKinney St. Suite 2500
Houston, Texas 77010
(713) 655-1101 Telephone
(713) 655-0062 Facsimile
joeahmad@azalaw.com
sbates@azalaw.com
advorscak@azalaw.com
cadriatico@azalaw.com
**COUNSEL FOR PLAINTIFFS AND
REORGANIZED DEBTORS**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP, LLC,**

Debtors.

§ **Case No. 18-30264-SGJ-11**
 § **Case No. 18-30265-SGJ-11**
 §
 § **(Jointly Administered Under Case No.**
 § **18-30264-SGJ-11)**
 §
 § **Chapter 11**

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP, LLC,
Reorganized Debtors,**

Plaintiffs,

vs.

**JAMES DONDERO, FRANK WATERHOUSE,
SCOTT ELLINGTON, HUNTER COVITZ,
ISAAC LEVENTON, JEAN PAUL SEVILLA,
THOMAS SURGENT, GRANT SCOTT,
HEATHER BESTWICK, WILLIAM SCOTT,
AND CLO HOLDCO, LTD.,**

Defendants.

Adversary No. 20-03060-SGJ

ACIS' MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

Acis Capital Management, L.P. (“Acis LP”) and Acis Capital Management GP, LLC (“Acis GP” together with Acis LP, the “Reorganized Debtors,” “Debtors,” “Acis,” or “Plaintiffs”), the Reorganized Debtors in the above-styled and jointly administered bankruptcy cases (the “Bankruptcy Cases”) and Plaintiffs in the above-styled adversary proceeding (the “Adversary Proceeding”), file this motion pursuant to Federal Rule of Civil Procedure 45 to compel non-party Highland Capital Management, L.P. (“Highland”) to comply with the subpoena served by Acis.

Along with Plaintiffs’ Motion to Compel Compliance with Subpoena, Plaintiffs respectfully submit 1) Acis’ Brief in Support of Motion to Compel Compliance with Subpoena; and 2) Appendix in Support of Motion to Compel Compliance with Subpoena. A proposed order to Plaintiffs’ Motion is attached as Exhibit A.

Dated: December 13, 2022

Respectfully submitted,

/s/ Shawn Bates

Joseph Y. Ahmad

Texas Bar No. 00941100

Federal Bar No. 11604

Shawn M. Bates

Texas Bar No. 24027287

Federal Bar No. 30758

Alex Dvorscak

Texas Bar No. 24120461

Christian Adriatico

Texas Bar No. 24113366

1221 McKinney St. Suite 2500

Houston, Texas 77010

(713) 655-1101 Telephone

(713) 655-0062 Facsimile

joeahmad@azalaw.com

sbates@azalaw.com

advorscak@azalaw.com

cadriatico@azalaw.com

AHMAD, ZAVITSANOS & MENSING, P.C.

**COUNSEL FOR PLAINTIFFS AND
REORGANIZED DEBTORS**

CERTIFICATE OF CONFERENCE

I certify that that on November 21, 2022, I sent a letter to Highland's counsel identifying the deficiencies in Highland's response to the Amended Subpoena. A conference was not held because counsel for Highland did not respond to that letter.

/s/ Shawn Bates
Shawn Bates

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2022 that this document was electronically served to the parties registered or otherwise entitled to receive electronic notices in this adversary proceeding pursuant to the Electronic Filing Procedures in this District.

/s/ Christian Adriatico
Christian Adriatico

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Case No. 18-30264-SGJ-11
ACIS CAPITAL MANAGEMENT, L.P.,	§	Case No. 18-30265-SGJ-11
ACIS CAPITAL MANAGEMENT GP,	§	
LLC,	§	(Jointly Administered Under Case
	§	No. 18-30264-SGJ-11)
Debtors.	§	
	§	Chapter 11
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ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	
LLC, Reorganized Debtors,	§	Adversary No. 20-03060-SGJ
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
JAMES DONDERO, FRANK	§	
WATERHOUSE, SCOTT ELLINGTON,	§	
HUNTER COVITZ, ISAAC LEVENTON,	§	
JEAN PAUL SEVILLA, THOMAS	§	
SURGENT, GRANT SCOTT, HEATHER	§	
BESTWICK, WILLIAM SCOTT, AND	§	
CLO HOLDCO, LTD.,	§	
	§	
Defendants.	§	

**[PROPOSED] ORDER GRANTING ACIS'S
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA**

The Court has considered Plaintiffs Acis Capital Management, L.P. and Acis Capital Management GP, LLC's Motion to Compel Compliance with Subpoena (the "Motion"). Having considered the Motion, the brief in support, all responses and replies, the arguments of counsel, and the applicable law, the Court **GRANTS** the Motion.

Accordingly, the Court finds and **ORDERS** that (1) Highland's objections to the Amended Subpoena are untimely and waived; (2) Highland must search for and produce all responsive

Exhibit

A

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documents pursuant to the express, agreed terms of the Amended Subpoena; (3) Highland's search and production of documents under the terms of the Amended Subpoena must include searching the information of in-house counsel and producing responsive documents; and, (4) Highland must search for and produce documents related to HarbourVest.

The Court further **ORDERS** that production be completed within 14 calendar days of this order.

Judge Presiding